



PATENT
Serial No. 09/977,399
Docket No. 77661/57

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of : Tatsuya Kawahara, et al.
 Serial No. : 09/977,399
 Filed : October 16, 2001
 Group Art Unit : Unassigned
 Examiner : Unassigned
 For : DIFFUSION LAYER FOR A FUEL CELL AND A
 METHOD AND APPARATUS FOR
 MANUFACTURING THE SAME

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INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents and Trademarks
 Washington, D.C. 20231

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The paragraphs marked below are applicable.

1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date or the date of filing a CPA, OR (b) before the mailing date of a first Office Action on the merits in the present application. No certification or fee is required.
2. This Information Disclosure Statement is being filed with a Request for Continued Examination (RCE). No certification or fee is required.
3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

- a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
4. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$130.00 in payment of the petition fee under 37 CFR §1.17(i)(1) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
5. Relevance of the non-English language reference(s) is discussed in the present specification.
6. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.
7. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
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8. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
9. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
10. The reference(s) was/were cited by or submitted to the Office in parent application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
11. An English-language Abstract of a non-English language reference previously filed in the present application is attached hereto.

Respectfully submitted,

KENYON & KENYON


Mark H. Neblett
Registration No. 42,028

Date: April 14, 2003

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	09/977,399
		Filing Date	October 16, 2001
		First Named Inventor	Tatsuya Kawahara, et al.
		Group Art Unit	To be assigned
		Examiner Name	To be assigned
Sheet	1	of	1
		Attorney Docket Number	77661/57

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ – Number ⁴ - Kind Code ⁵ (if known)			
		JP10-261421A	9/29/1998	Hiroshi	X (abstract)
		JP62-232861A	10/13/1987	Choichi et al.	X (abstract)
		JP6-44985A	2/18/1994	Takuya et al.	X (abstract)
		JP2-117068A	5/1/1990	Noriaki	X (abstract)
		JP62-184768A	8/13/1987	Choichi et al.	X (abstract)
		WO 01/78174 A1	10/18/2001	Dohle	
		DE 198 38 814 A1	3/4/1999	Takano, et al.	
		DE 198 40 517 A1	9/4/1998	Rosenmayer	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Applicant's unique creation designation number (optional). ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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		77661/57 GPO	

Sheet 1 of 1

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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